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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,411	03/25/2004	Toshihiro Mori	0649-0994PUS1	5118
2292	7590	08/25/2009	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				LU, FRANK WEI MIN
ART UNIT		PAPER NUMBER		
1634				
NOTIFICATION DATE		DELIVERY MODE		
08/25/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**DETAILED ACTION**

***ADVISORY ACTION***

1. The proposed amendments filed on June 24, 2009 have been fully considered but will not be entered because they raise new issues that would require further consideration and/or search.

***Response to Arguments***

In page 11, fifth paragraph bridging to page 14, fourth paragraph of applicant's remarks, applicant argues that all rejections under 35 U.S.C 112, first and second paragraphs have been overcome in view of the proposed amendments.

The argument has been fully considered but it is not persuasive toward the withdraw of the rejections because applicant's arguments with respect to claims 1-15, 19-23, and 34-42 are moot since applicant has amended independent claims 1 and 11. The proposed amendments in claims 1 and 11 raise new issues that would require further consideration and/or search. For example, the phrase "a solid phase comprising an organic polymer having a hydroxyl group on the surface thereof is accommodated in said solid phase-holding member, located only at the first opening part, the solid phase being able to adsorb and desorb nucleic acids in a sample solution" in claims 1 and 11 filed on October 30, 2008 has been changed to "a solid phase comprising an organic polymer having a hydroxyl group on the surface thereof, wherein the solid phase is accommodated in said solid phase-holding member, located within the solid phase-holding member and at an opening of the first opening part of the cylindrical syringe, and adsorb and desorb absorbs and desorbs nucleic acids in the sample solution" in the proposed amendments. Based on claims 1 and 11 of the proposed amendments, the solid phase, which is accommodated in said solid phase-holding member, locates not only at the first opening part of

the cylindrical syringe but also locate at other part which is not the first opening part of the cylindrical syringe. Thus proposed amendments in claims 1 and 11 raise the issue of new matter.

2. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CAR § 1.6(d)). The CM Fax Center number is (571)273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Lu, Ph.D., whose telephone number is (571)272-0746. The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Schultz, can be reached on (571)272-0763.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank W Lu /  
Primary Examiner, Art Unit 1634  
July 16, 2009

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